

# TRANSCRIPT OF PROCEEDINGS

BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

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In the Matter of:

P.C. Waugh, et al

EB Docket No. 07-147

DATE OF HEARING:    JULY 21, 2008    VOLUME:    3   

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BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

PRE-HEARING CONFERENCE

IN THE MATTER OF:

PENDLETON C. WAUGH, CHARLES M. | EB DOCKET  
AUSTIN, and JAY R. BISHOP | No. 07-147

PREFERRED COMMUNICATION SYSTEMS | File No.  
INC. | EB-06-IH-2112  
| NAL/Acct No.  
| 200732080025

Licensee of Various  
Site-by-Site Licenses in the | FRN No.  
Specialized Mobile Radio Service | 0003769049

PREFERRED ACQUISITIONS, INC. | FRN No.  
| 0003786183

Licensee of Various Economic  
Area  
Licenses in the 800 MHz  
Specialized Mobile Radio Service

Monday  
July 21, 2008

VOLUME VI

The above-entitled matter came on  
for hearing, pursuant to notice, at 10:00 a.m.

BEFORE:

**THE HONORABLE ARTHUR I. STEINBERG**  
Administrative Law Judge

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APPEARANCES:On Behalf of the Enforcement Bureau:

GARY OSHINSKY, ESQ.  
ANJALI SINGH, ESQ.  
Investigations and Hearings Division  
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Federal Communications Commission  
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On Behalf of the Charles Austin, Preferred  
Communication Systems, Inc., and Preferred  
Acquisitions, Inc.:

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On Behalf of Pendleton C. Waugh:

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1 P-R-O-C-E-E-D-I-N-G-S

2 (10:09 a.m.)

3 JUDGE STEINBERG: Good morning.

4 This is a hearing of EB Docket Number 07-147.

5 And I scheduled the conference at the request  
6 of the Bureau.

7 Let me ask for the appearances.

8 Let me just go around the room.

9 MR. OSHINSKY: Gary Oshinsky,  
10 Enforcement Bureau. I can spell that. It's  
11 O-S-H-I-N-S-K-Y.

12 JUDGE STEINBERG: And on behalf  
13 of:

14 MR. OSHINSKY: Oh, on behalf of  
15 the Bureau, I'm sorry. I thought I said it.

16 JUDGE STEINBERG: If you did, I  
17 didn't hear it.

18 MR. OSHINSKY: Yes. On behalf of  
19 the Enforcement Bureau for the FCC.

20 MS. SINGH: I'm Anjali Singh also  
21 appearing on behalf of the Enforcement Bureau  
22 for the FCC. The first name is spelled A-N as

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1 in Nancy J-A-L-I. Last name is S-I-N-G-H.

2 MR. KELLER: And I'm Robert  
3 Keller on behalf of Charles Austin, Preferred  
4 Communication Systems, Inc. and Preferred  
5 Acquisitions, Inc.

6 MR. SILVA: William Silva on  
7 behalf of Pendleton Waugh, W-A-U-G-H.

8 JUDGE STEINBERG: Thank you.

9 I should note that there's nobody  
10 here appearing on behalf of Jay R. Bishop.

11 Since the Bureau requested the  
12 conference, I'm going to turn the microphone  
13 over to you and you can sort of take over.

14 MS. SINGH: Thank you, Your Honor.

15 The Bureau requested this  
16 conference this morning because as of three  
17 weeks ago when we filed the motion for the  
18 pre-hearing conference we had not yet obtained  
19 outstanding discovery responses. And at that  
20 point were unable to proceed in further  
21 discovery as contemplated when we first  
22 proposed a procedural schedule.

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1           As Your Honor is aware, Your Honor  
2       has issued several discovery orders since that  
3       time in addition to establishing this pre-  
4       hearing conference. And the parties had until  
5       on or before today to turn in discovery. They  
6       have not yet done that. And accordingly, we  
7       stand in basically the same posture as we did  
8       when we request the pre-hearing conference,  
9       which is that we have been unable to proceed  
10      with further discovery and we would ask that  
11      Your Honor consider extending the current  
12      procedural schedule to accommodate for that.

13           JUDGE STEINBERG:     Okay.     Mr.  
14      Keller filed a motion for extension of time.  
15      I guess it was filed this morning or --

16           MR. KELLER:   Yes, late last night.

17           JUDGE STEINBERG:   Okay. Late last  
18      night. And have you had a chance to read  
19      that?

20           MS. SINGH:    Yes, Your Honor, we  
21      have. And we would like to go on record as  
22      objecting to the requested extension of time

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1 that the other parties have sought for their  
2 discovery responses.

3 JUDGE STEINBERG: Okay. Well, if  
4 I don't extend the time, then you don't get  
5 anything.

6 MS. SINGH: Well, we understand  
7 that, Your Honor. But at the same time, we do  
8 want to go on record as saying that as of if  
9 they don't turn in the discovery due today,  
10 they will be late. And whatever time that Your  
11 Honor feels is appropriate to grant the  
12 parties an extension, we will abide by that.  
13 But we did want to go on the record as saying  
14 that we object to this further extension of  
15 time.

16 As Your Honor is aware, their  
17 discovery responses were originally due  
18 ranging from November to December of last  
19 year. And at this point they're seeking an  
20 extension for another few weeks, which will  
21 mean that they've had almost nine months to  
22 turn in responses to some of that discovery.

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1 JUDGE STEINBERG: Well a lot of  
2 that is my fault, and I'll accept  
3 responsibility for that. But that really  
4 doesn't address the matter.

5 Now Mr. Keller in the motion  
6 represented that the answers to the additional  
7 -- the supplements to the interrogatory  
8 answers and the admission requests would come  
9 in either today or tomorrow. Is that still  
10 accurate?

11 MR. KELLER: That's correct. I  
12 requested tomorrow.

13 JUDGE STEINBERG: Right.

14 MR. KELLER: OF course, it's  
15 possible we can get them done today.

16 JUDGE STEINBERG: Okay. So let  
17 me--

18 MR. KELLER: We're only asking for  
19 two week extension on the documents.

20 JUDGE STEINBERG: Right. And  
21 you're absolutely -- do you promise you'll get  
22 those documents in in two weeks. The

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1 documents and the --

2 MR. KELLER: And, actually, as far  
3 as I'm concerned, yes. Now that's out of my  
4 bailiwick. The division of labor, it's sort  
5 of been I've been working on the  
6 interrogatories and Mr. Kaufman had been  
7 working on the documents. All I can tell you  
8 is I spoke to the client over the weekend and  
9 I said I'm going to request, but you know you  
10 see some of the basis we've got for in the  
11 pleading. I said, like you have to understand  
12 that we either have to answer this in two  
13 weeks or be settled in two weeks, you know,  
14 working out a -- so yes. To that extent I'll  
15 do everything in my neighborhood.

16 MR. OSHINSKY: Your Honor, what we  
17 were really looking for is an order of court  
18 for a date certain which this discovery will  
19 be produced. Because in order to predicate a  
20 new discovery schedule, we must have what's  
21 already outstanding in order --

22 JUDGE STEINBERG: No, I understand

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1 that.

2 MR. OSHINSKY: So this is not a  
3 reflection on Mr. Keller or Mr. Kaufman. I  
4 understand that they may be having problems  
5 with their clients and so forth. But we feel  
6 that the time has come that some kind of line  
7 has to be drawn for discovery, and that's what  
8 we're asking the Court to do. And at that  
9 point, then of course we can set a reasonable  
10 -- you know, a foreseeable schedule for  
11 discovery.

12 JUDGE STEINBERG: Well, why don't  
13 we take Mr. Keller at his word and say August  
14 4, 2008. And if the stuff's not in by then,  
15 then we can start talking about adverse  
16 inferences to be drawn from the lack of  
17 production of whatever hasn't been produced,  
18 but that's hypothetical.

19 MR. KELLER: Excuse me. As I  
20 said, because of the division of labor I'm not  
21 as up to speed on the request. But in reading  
22 the Judge's words, it is my understanding

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1 we're primarily talking about assigning  
2 documents to issues as opposed to actual  
3 production of documents?

4 MR. OSHINSKY: It's a fairly  
5 complex -- yes.

6 JUDGE STEINBERG: It's both.

7 MR. OSHINSKY: It's a very complex  
8 award.

9 MR. KELLER: Okay. It's both.  
10 Okay. Either way, that's acceptable.  
11 That's an absolute date and there could be  
12 possible adverse consequences to the client --

13 JUDGE STEINBERG: Yes, which we  
14 can talk about. I don't like to talk about  
15 things.

16 MR. OSHINSKY: But that is  
17 actually what we're looking for, Your Honor.

18 JUDGE STEINBERG: Okay.

19 MR. OSHINSKY: That's our  
20 objective today.

21 JUDGE STEINBERG: Okay. So we'll  
22 make the August 4th date. So we'll grant the

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1 extension.

2 I'm sorry, Mr. Silva, did you want  
3 to be heard on this?

4 MR. SILVA: No, Your Honor.

5 JUDGE STEINBERG: Okay. So I'll  
6 write an order granting the motion for  
7 extension of time.

8 And, obviously, the July 21 date  
9 for last date for filing service of discovery  
10 request is mute.

11 MR. OSHINSKY: We got a new  
12 schedule for you to look at.

13 JUDGE STEINBERG: Pardon me?

14 MR. OSHINSKY: We've got a new  
15 proposed schedule for Your Honor to look at.

16 JUDGE STEINBERG: Okay.

17 MS. SINGH: And before we propose  
18 this, we do note that the other parties have  
19 stated that they've been engaged in settlement  
20 discussions as their basis for an extension on  
21 discovery responses. And the Bureau would  
22 just like to go on record as saying that this

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1 is the first we're hearing of extensive  
2 settlement discussions proceeding to that  
3 point. And until and unless we see something  
4 in writing, we feel that it's incumbent on us  
5 to pursue at least discovery, if not  
6 settlement and discovery in parallel tracks if  
7 that's what the other parties would like to  
8 do.

9 So with that in mind, we proposed  
10 that the current procedural schedule be  
11 extended exactly three months with --

12 JUDGE STEINBERG: Everything?

13 MS. SINGH: Everything. With the  
14 last date for the filing and service of  
15 discovery requests to be October 21, 2008.

16 Completion of all discovery  
17 December 15, 2008.

18 Exchange by the Enforce Bureau of  
19 direct case exhibits and the corresponding  
20 exchange of us of the list of witnesses to  
21 take place February 5, 2008.

22 The exchange by Pendleton Waugh--

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1 MR. OSHINSKY: 2009.

2 MS. SINGH: Oh, I'm sorry. 2009.

3 Exchange by Pendleton Waugh,  
4 Charles Austin and Jay Bishop of their direct  
5 and responsive case in exhibits to take place  
6 February 19, 2009.

7 Notification by the captioned  
8 parties of the Enforcement Bureau's witness  
9 for cross examination to take place February  
10 19, 2008 as well.

11 JUDGE STEINBERG: Nine.

12 MR. OSHINSKY: Nine.

13 MS. SINGH: 2008.

14 JUDGE STEINBERG: Admission  
15 session and notification by the Enforcement  
16 Bureau of the caption parties witnesses to  
17 take place April 6, 2009.

18 And finally, commencement of the  
19 hearing at 9:00 a.m. in the Commission's  
20 Washington D.C. offices on April 13, 2009.

21 MR. OSHINSKY: And, Your Honor,  
22 I'd just like to add to that that in line with

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1 counsel's motion, we would welcome a concrete  
2 settlement proposal. We have not seen one  
3 yet. We're certainly not closing the door on  
4 that.

5 JUDGE STEINBERG: Okay. Is there  
6 any objection? I know Mr. Silva's client is  
7 adversely impacted by any further delay. And  
8 I want to give Mr. Silva an opportunity to  
9 comment if he wants to.

10 MR. SILVA: Other than note that  
11 for the record, Your Honor, that's all we  
12 would say.

13 JUDGE STEINBERG: Okay. Mr.  
14 Keller?

15 MR. KELLER: I just have a  
16 question about the schedule. I mean, I take  
17 your word that this was three months from the  
18 old schedule. But I'm just curious. If I  
19 wrote this down right, February 5th is the  
20 Bureau exchange date?

21 MS. SINGH: Yes.

22 MR. KELLER: And February 19th is

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1 the notification of witnesses they'd cross?

2 MS. SINGH: Yes.

3 MR. KELLER: I'm just curious why  
4 there is such a short time for that and such  
5 a long time for the Bureau's notification of  
6 witnesses.

7 MS. SINGH: We're only extending  
8 dates three months out. So if there's any  
9 error in that, please feel free to let us  
10 know.

11 MR. KELLER: No, I don't know if  
12 it's an error. I mean, I'm just -- I may  
13 have the same question if I focused on the  
14 other dates. I don't think it's a big deal,  
15 but there's like two weeks essentially from  
16 your exchanges or notification date, whereas  
17 there is over a month it looks like between  
18 our exchange of exhibits and your notification  
19 date. I was just curious if there's a reason  
20 for that, that's all.

21 JUDGE STEINBERG: I don't  
22 remember. These dates were all arrived at --

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1 MR. KELLER: Yes.

2 JUDGE STEINBERG: Well, you know,  
3 at least the sequencing and the timing --

4 MR. KELLER: No, I don't have a  
5 problem. I was just curious if there was a  
6 reason for that.

7 I will just say for the record in  
8 response to the Bureau, first of all, I  
9 understand and agree that settlement and  
10 discovery and hearing preparation can go on  
11 very well tracked. My only point in raising  
12 that in the issues is to highlight the fact  
13 that we're dealing with a company that because  
14 of the circumstances has, you know, got no  
15 significant revenue and with limited resources  
16 and so can only focus on so many things at one  
17 time. That's number one.

18 But number two in terms of the  
19 lack of a concrete proposal, I don't want to  
20 get into here in open session, you know,  
21 discussing the details of settlement  
22 negotiations. But of necessity because of

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1       certain -- but basically because of things  
2       that we were led to believe by the Bureau,  
3       it's been necessary for us to try and reach an  
4       agreement among ourselves before coming back  
5       and --

6               MR. OSHINSKY:     I've tried to  
7       indicate that we're still open to that.   I  
8       don't mean to close the door on that.

9               MR. KELLER:     Right.     No, I  
10      understand, and I didn't take it that way.

11              JUDGE STEINBERG:   Okay.   And I'll  
12      write an order changing the dates again.

13              And do you have a copy of that for  
14      me, or --

15              MS. SINGH:   Yes, Your Honor.

16              JUDGE STEINBERG:   Yes.   So that I  
17      don't mess something up.

18              MS. SINGH:   For Your Honor.

19              JUDGE STEINBERG:   Thank you.  
20      Thanks.

21              MR. KELLER:   One last question.  
22      What's the April 15th date?

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1 MS. SINGH: That is the  
2 commencement of the hearing.

3 MR. KELLER: That's the other -- I  
4 guess I do want to raise one question about  
5 that long time. The fact that it's a long time  
6 after the exchange is not an issue, but the  
7 fact is it's only what? A week or so before  
8 the -- it's exactly one week before the  
9 hearing. I'm not sure where the hearing -- the  
10 hearing presumably is going to be here.  
11 Witnesses could be God knows where. I'm  
12 wondering if we couldn't push the notification  
13 date back? In other words, make it a little  
14 bit earlier so that we have time. The  
15 witnesses that had to travel here, would have  
16 time to make arrangements.

17 MR. OSHINSKY: We could either do  
18 that, I guess, or moving the hearing date  
19 forward.

20 MR. KELLER: Because if we look  
21 at--

22 MR. OSHINSKY: Well, how much time

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1 are you looking for?

2 MR. KELLER: Well, no. I mean, if  
3 we would just make it commiserate with -- if  
4 the Bureau's exchange is -- our notification  
5 is two weeks after the Bureau's exchange. Why  
6 don't we just make the date two weeks -- what  
7 happens if we make it two weeks after our  
8 exchange date?

9 When's our exchange date?

10 MS. SINGH: Your exchange date  
11 under the proposed extension would be February  
12 19, 2009.

13 MR. KELLER: In which two weeks  
14 after that would be late February, right?

15 MS. SINGH: Yes, it would be, or  
16 early March.

17 MR. KELLER: Yes, that's what I'm  
18 saying. Is just make it two weeks after  
19 February 19th, make your notification date.  
20 That gives us time to make arrangements for  
21 travel if we have to bring witnesses to D.C.  
22 Or three weeks. I mean, I'm willing to give

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1 you three weeks.

2 MS. SINGH: So perhaps March 3rd.

3 MR. KELLER: No, that's fine.

4 MS. SINGH: If March 3, 2009 is a  
5 week day.

6 MR. KELLER: Yes, March 3rd is a  
7 month earlier. And that's still six weeks  
8 before the hearing.

9 JUDGE STEINBERG: March 3rd is a  
10 Tuesday. So what are we changing?

11 MS. SINGH: We are changing the  
12 admission session and notification by the  
13 Enforcement Bureau of the captioned parties  
14 witnesses for cross examination from April 6  
15 2009 to March 3, 2009.

16 JUDGE STEINBERG: Okay.

17 MR. KELLER: I wasn't asking --  
18 you can do that if you want, I wasn't asking  
19 about the admission session --

20 JUDGE STEINBERG: Just the  
21 notification.

22 MS. SINGH: Oh, I'm sorry. The

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1 notification.

2 JUDGE STEINBERG: So let's leave  
3 the April 6th as the admission session.

4 MS. SINGH: Okay.

5 MR. KELLER: Sure.

6 JUDGE STEINBERG: And then if it's  
7 -- as a result of what happens in the  
8 admission session, it might be that you won't  
9 need certain witnesses.

10 MR. KELLER: Well, I'm talking  
11 about the witnesses that they want from us.

12 JUDGE STEINBERG: Yes.

13 MR. KELLER: It may be at the  
14 admission session they won't have a case,  
15 because they'll have no exhibits.

16 MR. OSHINSKY: Wait a second.  
17 That's not funny.

18 MR. KELLER: Just kidding.

19 JUDGE STEINBERG: Yes, that would  
20 be a first.

21 MR. KELLER: My kids say they wish  
22 I would either stop -- they said they wish I

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1 would either stop trying to be funny or be  
2 funny; one of the other.

3 MR. OSHINSKY: They didn't care  
4 which one, right?

5 JUDGE STEINBERG: I get groans.

6 MR. KELLER: I get eye rolls now.

7 JUDGE STEINBERG: Okay. So we'll  
8 make a March 3rd date to notification by the  
9 Enforcement Bureau of the captioned parties  
10 witnesses desired for cross examination. And  
11 the April 6th will still be the admission  
12 session.

13 MR. KELLER: Okay.

14 JUDGE STEINBERG: I want to talk  
15 about if there's going to be a second round of  
16 discovery, I don't want any second set of  
17 interrogatories. I think what you ought to do  
18 is concentrate on what they give you and just  
19 notice the people for deposition and then ask  
20 the people at the deposition what you would  
21 ask in a second set of interrogatories.  
22 Because then we're going to get more

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1 objections and we're going to get more answers  
2 that are partial answers and with no  
3 opportunity for follow up. And it's just a  
4 waste of everybody's time. I think you should  
5 just go out and take depositions and be  
6 finished with it, and that'd be the most  
7 expeditious and straightforward way to do it.

8 I don't mind a second motion for  
9 production of documents, although given the  
10 nature of the first motion I don't know what's  
11 left for them to produce. But I don't want to  
12 have a second round of interrogatories.

13 And I was very reluctant to have a  
14 first round because given my experience, I  
15 knew exactly what was going to happen, and it  
16 did. So I want to rule out a second set of  
17 interrogatories because I think it's just a  
18 waste of everybody's time. And that you can do  
19 it by just deposing the people and you have an  
20 opportunity to ask them anything you want to  
21 ask them. And you can follow up. And if there  
22 are objections, I can handle them on the spot

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1 through phone calls.

2 MR. OSHINSKY: Your Honor, I guess  
3 the only leeway we would ask for is that there  
4 are some very, very pertinent documents. And  
5 we don't want to be in a position where in a  
6 deposition we were stuck with an answer that  
7 is sort of at the -- you know, not counsel so  
8 much, but as the witnesses. You know, that  
9 the witness can answer however they see fit  
10 and we don't have time or resources, or even  
11 a practical alternative for getting further  
12 discovery on the witness' answer.

13 In other words, what we want is  
14 for the Court to define the areas that we can  
15 ask. And so we'd ask the Court to just give  
16 perhaps a very limited number of  
17 interrogatories on documents that have been  
18 produced that we feel are particularly  
19 pertinent.

20 JUDGE STEINBERG: Well, if you've  
21 got the documents and you know the questions,  
22 based on the documents why can't you bring the

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1 documents with you and ask the people rather  
2 than doing it on paper. Because we know who  
3 is going to answer them and it's not going to  
4 be the witness.

5 MR. OSHINSKY: Well, Your Honor,  
6 whether we hash it out in Court over an  
7 interrogatory answer or we hash it out in  
8 Court on a deposition answer, I don't think  
9 that there's a practical difference in terms  
10 of the amount of time or energy expended.

11 JUDGE STEINBERG: Oh, there's a  
12 tremendous difference.

13 MR. KELLER: May I say something  
14 here? This is an admission against interest  
15 for me personally and for the profession in  
16 general. But I think there is a difference in  
17 time. And in this instance I would agree with  
18 the Judge. Because what happens with the  
19 interrogatories is any number of things.

20 One, you get objections and you  
21 have to wait for the Judge to rule. Generally  
22 in a deposition, you get an objection with

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1 very rare exceptions the witness goes ahead  
2 and answers or if not, you call the judge.

3 Number two, there's always good  
4 faith and lawyer gamesmanship in terms of how  
5 you interpret a question and how you interpret  
6 the answer. And so you write that. And then  
7 there's an objection. And then there's a  
8 follow up interrogatory. Whereas in a  
9 deposition you ask it, you ask a follow up  
10 question. Basically you cut the lawyer out of  
11 it for the most part and you deal directly  
12 with the witness and you clarify things right  
13 then and there.

14 MR. OSHINSKY: I might agree with  
15 that under most circumstances. But here there  
16 has been very general blocks in placed in  
17 front of areas of discovery such as finances  
18 and so forth.

19 JUDGE STEINBERG: Well then you  
20 give me a call.

21 MR. OSHINSKY: All right.

22 JUDGE STEINBERG: And finances, I

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1 think I unblocked virtually everything.

2 MR. OSHINSKY: Hopefully you did.

3 JUDGE STEINBERG: Except for Mr.  
4 Austin, which I'm sure you're disappointed  
5 with.

6 MR. OSHINSKY: Yes.

7 JUDGE STEINBERG: But I think on  
8 that area, and I'm not going to get into the  
9 background of my thinking, that area I think  
10 you're pretty much unblocked. You can find out  
11 who paid for what when generally.

12 But anyway, that's neither here  
13 nor there.

14 But I'm going to stick to the  
15 ruling and just say go out and depose the  
16 people now. If you need follow up on the  
17 document production, that's something  
18 different, I think.

19 MR. OSHINSKY: Okay.

20 JUDGE STEINBERG: But I don't want  
21 8.000 of them, you know.

22 MS. SINGH: Your Honor, we have in

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1 particular mind interrogatories to be filed  
2 shortly, hopefully this week, that follows  
3 exactly along documents already produced from  
4 one of the parties that is not involved in the  
5 pending discovery disputes, which is Pendleton  
6 Waugh. Would we be allowed to file those  
7 interrogatories --

8 JUDGE STEINBERG: Well, just  
9 depose him. Depose him.

10 MS. SINGH: Well, because --

11 JUDGE STEINBERG: Because then  
12 we're going to get into another situation  
13 where there are going to be answers and  
14 objections and motions to compel and  
15 oppositions to motions to compel and this and  
16 that and the other thing and then we're going  
17 to be pushing up against October before you  
18 know it. And whereby if you schedule a  
19 deposition for him, you've already got the  
20 questions written down, so just call him or  
21 you haul yourselves out to where he is and ask  
22 him.

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1 MS. SINGH: Well, are we reading  
2 Your Honor's correctly to state that no  
3 interrogatories may be filed even those that  
4 follow up on document production already  
5 produced?

6 JUDGE STEINBERG: Right. Right.  
7 You know, you've got the documents and you got  
8 questions based on the documents, and I think  
9 it's best to just ask the people the follow  
10 up. And that way you get your answer and you  
11 don't have to -- we don't have to paper the  
12 world over with -- you know, destroy any more  
13 trees.

14 MS. SINGH: With that in mind, is  
15 it --

16 JUDGE STEINBERG: You know, I  
17 don't mean to sarcastic. And I apologize for  
18 being sarcastic. But I think that's based  
19 upon my experience, I think that's the best  
20 way to proceed. It's the most direct  
21 straightforward way to proceed.

22 MS. SINGH: With that in mind,

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1 Your Honor, is your ban on any discovery being  
2 filed to these document requests, or notices  
3 of depositions now lifted?

4 JUDGE STEINBERG: Yes.

5 MS. SINGH: Okay.

6 JUDGE STEINBERG: Yes. Right.  
7 You know, you can follow up your document  
8 requests. But with Mr. Keller it might be best  
9 to wait to see what -- well, no. He's produced  
10 certain things and --

11 MR. OSHINSKY: Well, Your Honor,  
12 actually we find that we're in the position  
13 that we do have to wait for what he's  
14 produced.

15 JUDGE STEINBERG: Okay.

16 MR. OSHINSKY: The areas that  
17 we're inquiring about are the ones that Your  
18 Honor has ruled on.

19 JUDGE STEINBERG: Oh, okay. Yes.  
20 And just notice -- I mean, there's a limited  
21 number of people. Mr. Waugh, Mr. Austin, Mr.  
22 Bishop. And, you know, notice them for three

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1 days of depositions each or whatever, however  
2 long it takes. And just be -- you know, I  
3 think if we do that, you won't have any  
4 problem finishing up your discovery by the  
5 date that you suggested.

6 MS. SINGH: Thank you, Your Honor.

7 MR. OSHINSKY: Thank you, Your  
8 Honor.

9 JUDGE STEINBERG: Okay. Anything  
10 further?

11 Mr. Silva?

12 MR. SILVA: No, Your Honor.

13 JUDGE STEINBERG: Mr. Keller?

14 MR. KELLER: Nope.

15 JUDGE STEINBERG: And Mr.  
16 Oshinsky, Ms. Singh?

17 MS. SINGH: No. Thank you, Your  
18 Honor.

19 MR. OSHINSKY: No.

20 JUDGE STEINBERG: Okay. Then we  
21 having nothing further to discuss today, we'll  
22 go off the record. And if you need another

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1 conference, just let me know. And I would  
2 always encourage you to talk about settlement  
3 and get a deal that nobody likes.

4 (Whereupon, at 10:32 a.m., the  
5 pre-hearing conference was adjourned.)  
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\_\_\_\_\_  
Docket No. (if applicable)

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\_\_\_\_\_  
Place of Hearing

July 21, 2008

\_\_\_\_\_  
Date of Hearing

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